

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 1336 of 2006

DATED: 6.11.2006

Between:

M.Subba Dasu

petitioner

And

APSRTC, Musheerabad
Hyderabad

Rep by its Managing Director & others

Respondents

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THE HON'BLE SRI JUSTICE N.V.RAMANA

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WRIT PETITION NO. 1336 OF 2004

ORAL ORDER:

In the present writ petition, the petitioner is questioning the action of the respondents in not promoting him to the post of Senior Assistant on par with his juniors.

The case of the petitioner is that he was appointed as Junior Assistant in the respondent corporation by orders dated 3.9.1977. His services were terminated by order dated 9.8.1978 and thereafter by proceedings dated 10.8.1978 he was appointed with one day artificial break. The petitioner made representations to regularise his services from the date of initial appointment i.e., 3.9.1977 and on the advice of the officials of respondent corporation the petitioner appeared for Departmental Test on 16.3.1980 and in the results published on 12.5.1980 his name was shown at serial no.21. Thereafter in the seniority list published in the category of Junior Assistant the petitioner was shown at serial no.93. The petitioner objected for the same and submitted his objections and made several representations to the authorities. Since his case was not considered for regularisation from the date of his initial appointment, he filed W.P. No. 18379 of 1995. The said writ petition was allowed by order dated 11.3.1997 and the appeal filed against the said order in W.A. No. 1141 of 1997 was dismissed as infructuous by orders dated 6.3.2002. In pursuance of the orders of this Court, proceedings dated 23.5.2002 were issued reckoning the seniority of the petitioner and granting consequential benefits in the category of Senior Assistant with effect from 1998. The petitioner claims that in terms of the orders of this Court in W.P. No. 18379 of 1995 he is entitled to promotion to the post of Senior Assistant w.e.f. 1997 on par with his juniors and submitted

representation dated 13.5.2002 and a legal notice dated 4.1.2003. Since, no action was taken, the present writ petition.

This Court while admitting the Writ Petition by order 27.1.2004, dismissed the WPMP No. 1732 of 2004 and directed to list the writ petition for final hearing after summer vacation, 2004. Thereafter, right from 18.2.2005 the matter underwent several adjournments i.e., on 18.2.2005, 18.3.2005, 8.9.2005 and 12.10.2006 for want of filing counter affidavit by the respondent. Though sufficient opportunity was given, the respondents for the reasons best known to them, did not file any counter affidavit in the matter. Even today, when the matter is taken up, there is no counter affidavit filed in the matter. Admittedly, the petitioner retired from service on 31.7.2005 on attaining the age of superannuation and this Court does not see any reason to keep the matter pending any further.

Hence, in the absence of counter affidavit contradicting the averments made in the writ petition, this Court has no option except to accept the averments made by the petitioner in the writ petition as true and correct. Accordingly, accepting the averments made in the writ petition as true and correct, the writ petition is allowed as prayed for. No costs.

N.V.RAMANA,J

DATE: 6.11.2006

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